

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

KER'S SEAN OLAJUWA RAMEY,

Petitioner,

-VS-

WILLIAM STEPHENS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

CIVIL NO. 6:13-cv-00043

CAPITAL CASE

PETITION FOR A WRIT OF HABEAS CORPUS

THIS IS A DEATH PENALTY CASE

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TABLE OF PETITIONER'S EXHIBITS

<u>Exhibit</u>	<u>Document</u>
1	Petitioner-Appellant's Direct Appeal Brief
2	Petitioner-Appellant's State Habeas Application

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Petitioner Ker'Sean Olajuwa Ramey asks this Court to issue a writ of habeas corpus and grant him relief from his unlawful confinement. Mr. Ramey is being unlawfully held on death row by the Institutional Division of the Texas Department of Criminal Justice under the authority of Respondent.

JURISDICTION

Pursuant to 28 U.S.C. § 2241 and § 2254, undersigned counsel file this skeletal Petition for a Writ of Habeas Corpus.

PROCEDURAL HISTORY

On January 3, 2007, Ker'Sean Olajuway Ramey was sentenced to death in Jackson County, Texas. The Texas Court of Criminal Appeals (“CCA”) affirmed the judgment on

February 11, 2009. *Ramey v. State*, AP-75,678 (Tex. Crim. App. Feb. 11, 2009) (not designated for publication). On May 16, 2008, Petitioner filed an application for a writ of habeas corpus pursuant to TEXAS CODE CRIM. PROC. art. 37.071. On November 7, 2012, the CCA denied Mr. Ramey's application for relief in state habeas proceedings. *Ex parte Ramey*, AP-76,533 (Tex. Crim. App. Nov. 7, 2012) (not designated for publication).

INTRODUCTION

Ker'sean Olajuwa Ramey comes before this Court convicted and sentenced to death for the deaths of Samuel Roberts, Tiffani Peacock, and Celso Lopez. Due a conflict of interest, counsel file concurrent with this Petition for a Writ of Habeas Corpus a Motion to Withdraw and Appoint New Counsel. Counsel request that new counsel be appointed to represent Mr. Ramey in these proceedings and that the Court enter a scheduling order allowing new counsel time to review the record and to prepare an Amended Petition on Mr. Ramey's behalf.

CLAIMS FOR RELIEF¹

- I. MR. RAMEY'S RIGHT TO DUE PROCESS UNDER THE UNITED STATES CONSTITUTION WAS VIOLATED WHEN THE STATE FAILED TO DISCLOSE FAVORABLE EVIDENCE MATERIAL TO THE GUILT-INNOCENCE AND SENTENCING PHASES OF HIS CAPITAL MURDER TRIAL.**
- II. MR. RAMEY IS INNOCENT OF CAPITAL MURDER AND HIS EXECUTION WOULD VIOLATE THE EIGHTH AND FOURTEENTH AMENDEDMENTS TO THE UNITED STATES CONSTITUTION.**
- III. MR. RAMEY WAS DEPRIVED EFFECTIVE ASSISTANCE OF COUNSEL IN THE GUILT-INNOCENCE PHASE OF HIS CAPITAL MURDER TRIAL IN VIOLATION OF THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.**

¹ Mr. Ramey incorporates into his claims for relief the claims filed in his direct appeal brief and in his state habeas application, attached to this Petition.

- A. Trial Counsel Rendered Deficient Performance by Failing to Conduct a Reasonable Investigation in the Guilt-Innocence Phase of Petitioner's Capital Murder Trial.**
- B. Reasonable Probability Exists the Jury Would Rendered a Not Guilty Verdict, Had Trial Counsel Conducted a Reasonable Sentencing Investigation.**

IV. MR. RAMEY WAS DEPRIVED EFFECTIVE ASSISTANCE OF COUNSEL IN THE SENTENCING PHASE OF HIS CAPITAL MURDER TRIAL IN VIOLATION OF THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

- A. Trial Counsel Rendered Deficient Performance by Failing to Conduct a Reasonable Sentencing Investigation.**
- B. A Reasonable Probability Exists the Jury Would Have Answered the Second Special Issue Differently or Not at All, Resulting in a Life Sentence, Had Trial Counsel Conducted a Reasonable Sentencing Investigation**

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Mr. Ramey prays that this Court:

- 1. Appoint new counsel and enter a scheduling order, allowing new counsel time to investigate for, and prepare, an Amended Petition;
- 2. Hold an evidentiary hearing on the merits of the claims raised herein;
- 3. Grant relief and order Mr. Ramey released from custody; and;
- 4. Grant such other relief as law and justice requires.

Respectfully submitted,

s/ Thomas Berg

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VERIFICATION

I, Thomas Berg, attorney for Petitioner-Appellant in the above-entitled action, state that to the best of my knowledge and belief, the facts set forth in this Petition are true.

I declare under penalty of perjury that the foregoing is true and correct. Executed on Thursday, November 14, 2013.

s/ Thomas Berg

Thomas Berg

CERTIFICATE OF SERVICE

I certify that on November 14, 2013, a copy of the foregoing pleading was electronically served on counsel for the Respondent by filing the document with the Clerk of the Court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the court.

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s/ Thomas Berg

Thomas Berg